



Indiana Department of Education
SUPPORTING STUDENT SUCCESS

2009-2010 SES Provider Application Questions and Answers #6

Question #1

We are an on-site, on-line provider and whenever possible, we hire teachers who are employed by the school/district to work as On-Site Instructors. By doing so, students are greeted by individuals that they are familiar with, and who have a thorough understanding of the school's instructional plan and focus.

Does Indiana approve of hiring teachers in the school that we perform SES services?

Answer #1

Providers are permitted to hire teachers from any school* (this includes non-SES schools and SES schools in which the provider is or is not offering services). Teachers or other district staff employed by providers must adhere to IDOE policies. While district staff must adhere to all IDOE SES Policies, it is important for providers to ensure that district staff follow the policies described in Subpart B, Section 2.0(g)(G1-G5) as this section specifically relates to district staff working for providers.

NOTE: Providers are not required to hire certified teachers. Providers may employ teachers or any other individuals who meet both IDOE's minimum tutor requirements (see IDOE Policies & Procedures for SES Subpart B, Section 2.3) and the provider's minimum tutor qualifications.

Question #2

We are working with a provider who offers on-line math instruction and the tutors are located outside of the U.S. We understand that tutors MUST undergo a criminal background check prior to working with students however the Application refers to "state" and "federal" background checks. If the provider conducts an international background check via a private company (one that performs international checks for both private and public organizations) in the state and city where the tutors are located and provides the appropriate paperwork, does that satisfy Indiana requirements?

Answer #2

All background checks must meet the criminal background check criteria described in IDOE Policies & Procedures for SES, Subpart B, Section 2.1. As long as the international background check shares the same level of detail and information described in Section

2.1, the background check would most likely meet IDOE requirements. However, providers must also ensure that their background checks meet the requirements established by each district. Therefore, it will be important for any approved provider to contact each district it intends to serve to determine whether its background checks meet district requirements as well.

In addition, please note that all tutors, regardless of their location, must meet IDOE's minimum tutor qualifications (see IDOE Policies & Procedures for SES Subpart B, Section 2.3).

Question #3

I tutor for an SES provider. There is a no-compete statement in my contract which states that I cannot solicit extra business from the provider's clients for 9 months (which will expire in October). Is my application to become an SES provider for the 2009-2010 school year ineligible? I would honor the no-compete and solicit clients that the SES provider does not service.

Answer #3

As per number 16 listed in the Assurances that accompany the application, applicants must assure that they are not employed by an organization with a no-compete clause. Applicants who believe their submission of an application does not violate the no-compete clause from their employer's contract should seek legal advice and also consult with their employer to ensure that there is no such violation.

Please note that IDOE reserves the right to request verification (including but not limited to a copy of the contract and written confirmation from the employer) that an applicant is not violating a no-compete clause.